

RESOURCE, FOSTER AND ADOPTIVE FAMILY HOME APPROVAL STANDARDS

22 VAC 40-211-10. Definitions.

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

"Adoptive parent" means any provider selected and approved by a parent, local board or a licensed child-placing agency for the placement of a child with the intent of adoption.

"Adult" means any individual 18 years of age or over.

"Applicant" means an individual or couple who are applying to be approved as a resource, foster and adoptive home provider.

"Approval" means that the provider has met all applicable standards to be approved as a resource, foster and adoptive home provider.

"Caretaker" means any individual having the responsibility of providing care for a child and includes the following: (i) Parent or other person legally responsible for the child's care; (ii) any other person who has assumed caretaking responsibility by virtue of an agreement with the legally responsible person; (iii) persons responsible by virtue of their positions conferred by authority; (iv) adult persons residing in the home with the child.

"Child" means any natural person under 18 years of age.

"Child placing agency" means any person who places children in foster homes, adoptive homes or independent living arrangements pursuant to § 63.2-1819 or a local board that places children in foster homes or adoptive homes pursuant to §§ 63.2-900, 63.2-903 and 63.2-1221. Officers, employees, or agents of the Commonwealth, or any locality

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acting within the scope of their authority as such, who serve as or maintain a child-placing agency, shall not be required to be licensed.

"Child abuse and neglect information system" (CANIS) means the computer system which collects and maintains information regarding incidents of child abuse and neglect involving parents or other caretakers. The computer system is composed of three parts: the statistical information system with nonidentifying information, the Central Registry of founded complaints not on appeal, and a database that can be accessed only by the department and local departments that contains all nonpurged CPS reports. This system is the official state automated system.

"Commissioner" means the Commissioner of the Department of Social Services or his designee, or authorized representative.

"Corporal punishment" means any type of physical punishment inflicted in any manner upon the body of a child including but not limited to hitting with any part of the body or an implement, spanking, pinching, pulling, shaking a child, forcing a child to assume an uncomfortable position, binding a child, beating or anything else that causes or is intended to cause physical harm.

"Department" means the State Department of Social Services.

"Foster parent" means a provider who gives 24-hour substitute family care, room and board, and services for children or youth committed or entrusted to local boards of social services or for whom supervisory responsibility has been delegated.

"Infant" means any child from birth up to 16 months of age.

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“Local department” means the local department of social services of any county or city in this Commonwealth.

“Parent” means the biological or adoptive parent of a child.

“Provider” means resource, foster and adoptive parent(s) and includes, when both are present in the home, two parents.

“Resource parent” means an approved relative or foster family home that agrees to and is dually approved to both support reunification and be prepared to adopt the child if the child and family do not reunify.

22 VAC 40-211-20. Approval of provider homes.

A. When applicants are approved in accordance with these standards, they are approved as foster families, adoptive families and resource families. The approved provider shall, however, be allowed to choose to provide only foster care or adoption services should they not wish to serve as a resource family.

B. If the provider cannot meet the standards described in these sections, the local department shall deny the application or, upon its discretion, request a variance on certain standards in accordance with the Department’s policies and procedures. If the variance is not granted, the local department shall not approve the home for the placement of children.

C. These standards also apply to resource and foster providers who care for young adults receiving foster care services between the ages of 18 and 21.

D. These standards apply to adoptive home providers until the final order of adoption is

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issued.

22 VAC 40-211-30. Background Checks and Health Standards.

A. All local department approved resource, foster or adoptive providers shall be at least 21 years of age

B. Resource, foster or adoptive parent applicants and any other adult household members, or individuals serving in a caretaker role at the request of the foster parent or local department shall complete a criminal background check pursuant to § 63.2-1721 of the Code of Virginia. Convictions of offenses as set out in § 63.2-1719 of the Code of Virginia shall preclude approval of applications to become resource, foster or adoptive parent(s).

1. Local departments shall ask prospective resource, foster or adoptive parents about criminal behaviors or child abuse and neglect allegations that occurred in Virginia and other states. Applicants shall sign a statement affirming that they have no such offense.

2. Any resident in the home, upon reaching age 18, shall have a criminal background check and Child Abuse and Neglect Information System, Central Registry search pursuant to 22 VAC 40-191-40.

C. Resource, foster or adoptive parent applicants, and any other adult household members, shall consent to a search of the Child Abuse and Neglect Information System, Central Registry search. The resource, foster or adoptive applicant and all adult household members who come in contact with children shall not have a founded child abuse or neglect record in the Child Abuse and Neglect Information System,

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Central Registry search. Documentation of the results of the criminal records check shall be maintained in the applicant's record.

D. The local department shall obtain a Department of Motor Vehicle Driver Record check for any resource, foster and adoptive applicants or other adult drivers in the home who are expected to transport children and may consider the results in the approval process for the home.

E. The resource, foster or adoptive home applicant and all other household members who come in contact with children shall submit a statement from the local health department or licensed physician that the applicant and other household members are believed to be free of Tuberculosis in a communicable form either as a result of screening or testing for Tuberculosis. The applicant shall submit the results of a physical examination within the twelve-month period prior to approval from a licensed health care professional that states each applicant is physically and mentally capable of parenting a child.

22 VAC 40-211-40. Home study requirements.

A. Applicants for resource, foster or adoptive parents shall complete an application to become an approved provider according to Department requirements and on Department approved forms to be considered for approval and for a home study process to occur.

B. The local department shall conduct a home study.

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C. The home study shall be documented in a narrative format and shall be signed and dated by the individual completing the home study and the supervisor or his designee.

D. Local departments shall ask if a prospective resource, foster or adoptive parent previously applied to, or was approved by another local department or licensed child-placing agency for approval. The local department shall have the applicant(s) sign a request to release information from the other agency in order to request information about any previous applications and shall use that information in considering approval of the applicant.

E. Local departments shall conduct a minimum of three face-to-face interviews with each applicant, of which at least one shall be in the applicant's home. If the prospective applicant is a couple, at least one interview shall be with the couple together. At least one interview shall be with all individuals who are residing in the home.

1. The local department shall obtain at least three references from persons who have knowledge of the applicant's ability, skill, or experience in the provision of services and who shall not be related to the applicant. The local department may request more than three references.

2. The local department shall obtain information on the applicant's employment history.

3. The local department shall use the interviews, references, and employment history to assess and document in the narrative home study report that the:

a. Applicant is knowledgeable about and physically and mentally capable of providing the necessary care for children;

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b. Applicant is able to sustain positive and constructive relationships with children in care, and to relate to children with respect, courtesy and understanding;

c. Applicant is capable of handling emergencies with dependability and good judgment;

d. Applicant is able to communicate and follow instructions sufficiently to assure adequate care, safety and protection for children;

e. Applicant demonstrates a capacity to love and nurture a child born to someone else;

f. Applicant can accept the child without expecting him to resolve the applicant's family problems or fulfill the applicant's family ambitions; and

g. Married providers show marital stability.

22 VAC 40-211-50. Approval period and documentation of approval.

A. The approval period for a provider is 24 months when the provider and the home meet the standards.

B. The providers' record shall contain a copy of an approval certificate or letter specifying the following:

1. Type of approval (resource, foster or adoptive home provider or multiple approval);

2. Date when the approval became effective and the date when the approval lapses;

3. The gender, age and number of children recommended for placement in the home;

4. The signature and title of the individual approving the home; and

5. The signature and title of the supervisor.

C. Provider approval documentation shall be maintained in the child's file.

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1. A copy of the providers' approval certificate or letter shall be maintained in the child's file;

2. If the provider is licensed by a child placing agency, a copy of the child placing agency license and the provider home approval certificate or letter shall be maintained in the child's file;

3. If the provider is approved by another local department of social services, a copy of the provider's approval certificate or letter shall be kept in the child's file.

22 VAC 40-211-60. Training.

A. Local departments shall provide pre-service training for resource, foster and adoptive providers based on core competencies identified by and a curriculum approved by the Department.

B. Local departments shall ensure that each provider receives annual on-going training.

1. Training shall be relevant to the needs of the children and families and may be structured to include multiple types of training modalities (for example, on-line foster parent training courses; seminars and conferences).

2. The Department shall provide opportunities for training on an annual basis.

C. Providers are required to attend pre-service and annual in-service trainings.

D. Providers are considered fully approved if they meet all other requirements for approval and are enrolled in pre-service training and complete the next pre-service training available. The provider shall sign a written agreement to this effect. A

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provider's approval shall be revoked if they do not complete the training as per the written agreement.

a. Providers are considered fully approved if they meet all other requirements for reapproval and are enrolled in in-service training and complete the next in-service training available. The provider shall sign a written agreement to this effect. A provider's approval shall be revoked if they do not complete the training as per the written agreement.

E. Providers shall not be charged any fees for attending the training required by local departments.

22 VAC 40-211-70. Standards for the home of the provider.

A. The home shall have sufficient appropriate space and furnishings for each child receiving care in the home including:

1. Space to keep clothing and other personal belongings;
2. Accessible basin and toilet facilities;
3. Comfortable sleeping or napping furnishings;
4. For children unable to use stairs unassisted, other than a child who can easily be carried, sleeping space on the first floor of the home;
5. Space for recreational activities; and
6. Sufficient space and equipment for food preparation, service, and proper storage.

B. All rooms used by children shall be heated in winter, dry, and well ventilated.

C. All doors and windows used for ventilation shall be appropriately screened.

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D. Rooms used by children shall have adequate lighting.

E. The provider shall have access to a working telephone in the home.

F. The home shall comply with all local ordinances.

G. No more than four children shall occupy one bedroom.

H. There shall be at least 70 square feet of space in a room occupied by one child and at least 50 square feet of space for each child in a room shared by two or more.

I. Children over the age of sixteen months (infants) shall not share a bed.

J. Bedroom accommodations for children over age sixteen months shall be based on the assessment of the particular needs of the child.

a. Children over the age of two shall not share a bedroom with an adult unless the local department approves and documents a plan to allow the child to sleep in the provider's bedroom due to documented needs, disabilities or other specified conditions.

b. Children under age five or children with significant and documented cognitive or physical disabilities shall not use the top bunk of bunk beds.

K. The home and grounds shall be free from litter and debris and present no hazard to the safety of the children receiving care.

1. The home and grounds shall be free of safety hazards. The provider shall permit a fire inspection of the home by appropriate authorities if conditions indicate a need for approval and the local department requests it.

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2. The provider shall have a written emergency plan that includes, but is not limited to, fire or natural disaster. The provider shall review the plan with each new child placed in the home capable of understanding the plan.
3. Attics or basements used by children for any reason shall have two emergency exits. One of the emergency exits shall lead directly outside, and may be an escapable door or an escapable window.
4. Possession of any weapons, including firearms, in the home shall comply with federal and state laws and local ordinances. The provider shall store any firearms and other weapons in a locked cabinet with safety mechanisms activated. Ammunition shall be stored in a separate and locked area. The key or combination to the locked cabinet(s) shall be maintained out of the reach of all children in the home. Any glass cabinets used to store any weapons, including firearms, shall be shatterproof.
5. Local departments shall require the provider to protect children from household pets that may be a health or safety hazard in accordance with the law of Virginia and local ordinances and shall request and document verification of provider compliance in the provider record.
6. Local departments shall require the provider to keep cleaning supplies and other toxic substances stored away from food and out of the reach of children. Cleaning supplies shall be locked when the age or emotional stability of the child require such items to be locked.

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7. All homes should have an ABC class fire extinguisher in the home. Every home shall have an operable smoke detector, the specific requirements of which shall be coordinated through the local fire marshal. If a locality does not have a local fire marshal, the state fire marshal shall be contacted

L. The provider shall show documentation of an inspection of the home's private water supply and sewage disposal system by the local health department. The home and grounds shall be free of garbage, insects, and rodents that would present a hazard to the health of the child.

M. The provider shall not exceed the maximum allowable capacity for the type of care given and as approved by the local department.

1. The maximum number of children in a home with two foster parent(s) is eight.

2. The maximum number of children in a home with one resource or foster parent is four.

3. The resource parent(s)' own children (biological or adopted) over age 10 do not count in determining the maximum number of children.

4. There is no limit on the number of children for adoptive families.

5. An infant counts as two children.

6. Any child with a handicap which requires extra attention of the provider counts as two children.

7. The local department may grant an exception to the resource or foster home's maximum capacity to avoid separating a sibling group.

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8. The actual capacity of a particular home may be less than the above capacities if:

(a) The physical accommodations of the home are not adequate for the maximum number of children;

(b) The capabilities and skills of the provider are not sufficient to manage the maximum number of children;

(c) The child's best interests require placement in a certain type of home (for example, a home with no young children or a home with no more than one other child);

(d) The foster care provider is also a day care provider and the approving agency determines that the providers day care activities interfere with the providers ability to ensure the safety of the foster child(ren); or

(e) Any individuals in the home, including the provider's children, require special attention or services of the provider that interfere with the provider's ability to ensure the safety of all children in the home.

22 VAC 40-211-80. Standards of care.

A. The provider shall provide care which does not discriminate on the basis of race, color, sex, national origin, age, religion, political beliefs, sexual orientation, or disability or family status.

B. The provider shall have a plan for seeking assistance from police, firefighters, and medical professionals in an emergency.

1. Resource or foster parents shall arrange for responsible adults to be available who can serve in the caretaker's role in case of an emergency.

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2. If the planned or long-term absence of the provider is required, the local department shall be notified of and approve any substitute arrangements the provider wishes to make.

3. The provider shall ensure that adequate care and supervision are provided to children and the children's health, safety, and well-being are protected.

C. Children shall receive meals and snacks appropriate to the daily nutritional needs of each child.

1. Children shall receive special diets if prescribed through a licensed physician or in accordance with religious or ethnic requirements or other special needs.

2. Adequate drinking water shall be available at all times.

3. Children shall receive nutritionally balanced meals.

D. If the provider or any other adult transports children, the provider and any other adult shall show proof of a valid driver's license and automobile liability insurance.

1. The vehicle used to transport children shall have a valid license and inspection sticker.

2. Providers and any other adults who transport children shall use child restraint devices in accordance with requirements of Virginia law.

E. The provider shall have the name, address, and telephone number of each child's physician easily accessible.

1. The provider shall have first aid supplies easily accessible in case of accidents.

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2. The provider shall keep medicines and drugs separate from food except those items that shall be refrigerated.

3. The provider shall record all medications prescribed for each child and any reported side effects or adverse reactions.

4. The provider shall be able to ensure that they can be responsive to the special medical needs, including environmental sensitivities, of the child.

E. The provider shall establish rules that encourage desired behavior and discourage undesired behavior.

1. The provider shall not use corporal punishment nor give permission to others to do so and shall sign an agreement to this effect.

2. The provider shall not humiliate or frighten the child in disciplining the child.

3. The provider shall not withhold food, force naps, or punish toileting accidents in disciplining the child.

F. Resource, foster or adoptive parent(s) shall provide adequate and seasonal clothing appropriate for the age and size of each child. The resource, foster or adoptive parent(s) provider shall ensure that children have adequate and seasonal clothing and that all clothing is properly laundered or dry cleaned, and altered or repaired as needed.

22 VAC 40-211-90. Provider agreements and responsibilities.

A. Local departments shall require the provider to maintain written legible information on each child in care including:

1. Identifying information on the child;

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2. Name, address, and work telephone numbers of the local department caseworker and local department after hours emergency contact information;

3. Name, address, and home and/or work telephone numbers of persons authorized to pick up the child in care;

4. Name of persons not authorized to call or visit the child;

5. Educational records, report cards and other school-related documentation;

6. Medical information pertinent to the health care of the child;

7. Correspondence related to the child;

8. The service plan as well as other written child information provided by the local department; and

9. Placement agreement between the provider and the local department.

B. Local departments shall require the provider to immediately report any suspected abuse, neglect, or exploitation of any child in care to the local department or to the Department's 24-hour toll-free hotline.

C. Local departments shall require providers keep the local department informed of changes in the household that may affect approval of the provider

D. If the provider moves to a new location or jurisdiction, the local department shall determine continued compliance with standards related to the home.

E. Local departments shall explain confidentiality requirements to providers and require providers keep all information regarding the child, his family and the circumstances that resulted in the child coming into care confidential. Providers shall sign a confidentiality

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form and local departments shall keep the signed form in the child's file. The local department and its representatives shall have access to all records.

22 VAC 40-211-100. Allowable variance.

A. The provider may receive an allowable variance from the local department on a standard if the variance does not jeopardize the safety and proper care of the child or violate federal or state law, or local ordinance.

B. If a provider is granted a variance and is in compliance with all other requirements of this chapter, the provider is considered fully approved.

22 VAC 40-211-110. Emergency approval of providers.

A. Emergency approval of a provider may be granted under the following conditions when the placement is in the home of the child's relative or friend:

1. The court orders emergency placement; or
2. The child is placed under the 72-hour emergency removal authority; or
3. The parent requests placement or service in an emergency; and
4. Prior to placement of a child with an unapproved provider, a criminal background check and Child Abuse and Neglect Information System search has been conducted on all adults in the home of where the child is to be placed pursuant to § 63.2-901.1 of the Code of Virginia. Offenses listed in § 63.2-1719 of the Code of Virginia shall preclude placement of the child.

22 VAC 40-211-120. Provider monitoring.

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The local department representative shall visit the home of the provider as often as necessary but at least semi-annually to monitor the performance of the provider and shall document these visits in the provider record.

22 VAC 40-211-130. Reapproval of providers.

A. The local department shall re-approve the resource, foster or adoption provider prior to the last day of the month of the current approval period if the provider and the home continue to meet the standards.

B. If the provider cannot meet the standards prescribed in this regulation, and the local department does not grant a variance on those standards the provider does not meet, the local department shall not reapprove the home for the placement of children and shall remove the current foster child placements.

C. Child Abuse and Neglect Information System Central Registry searches shall be completed at each reapproval on the resource, foster or adoptive parent providers and other adult household members in order for the family to continue to meet standards.

D. Criminal record background checks shall be completed at every other reapproval or at any earlier time if the local department believes another check is required on the resource, foster or adoptive parent(s)(s) provider and other adult household members in order for the family to continue to meet standards.

E. Additional tuberculosis tests or screenings are not required at reapprovals unless the individual comes into contact with a known case of Tuberculosis or develops chronic respiratory symptoms.

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F. The reapproval process shall be documented in a narrative format and shall identify any changes in the provider's marital status, physical health, household composition, financial stability and other standards that may effect the provider's ability to provide a safe and nurturing home for children.

G. The reapproval narrative shall be signed and dated by the individual completing the reapproval process and the supervisor.

22 VAC 40-211-140. Provider's right to grieve.

A. The applicant to become a provider shall have the right to grieve the actions of the local department to the local board on issues related to their application to become a resource, foster or adoptive home provider.

B. Decisions on the placement of a specific child with a provider are not subject to grievance. The local board shall have the final authority to determine appropriate placement for children pursuant to §16.1-278.2 of the Code of Virginia. Decisions regarding final adoptive placements are made by the circuit court pursuant to Title 63.2, Chapter 12, of the Code of Virginia.